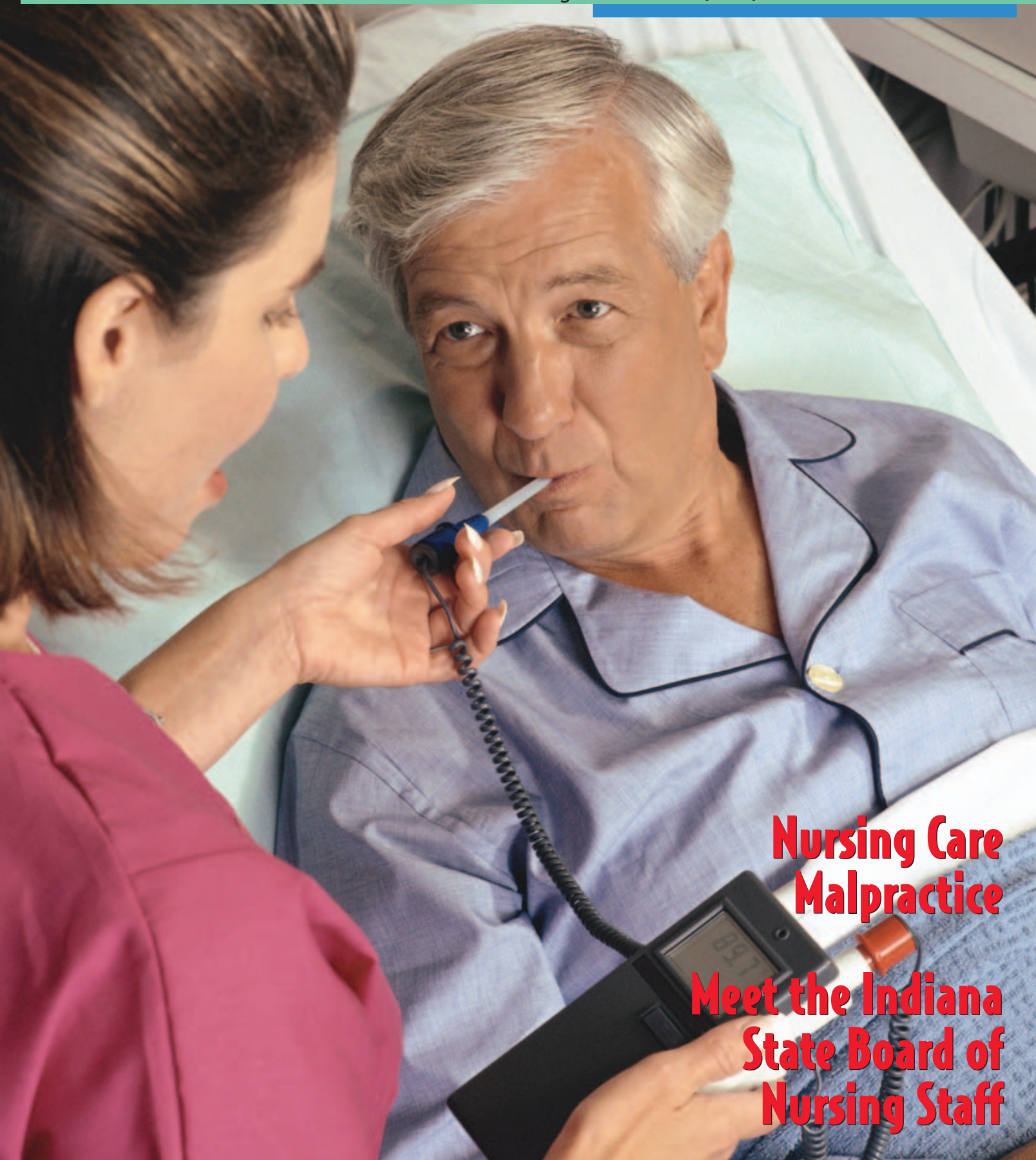


# NURSING FOCUS


Official Publication of the Indiana State Board of Nursing

• January 2006 • VOLUME 1 • NUMBER 4 •



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# contents

Message from the President

7

Message from the Director

9



Meet the Board

11



Nursing Care Malpractice  
*Part I*

14



Some Fun Facts About  
the Board Staff

18

Disciplinary Actions

21

*Nursing Focus* is published by the  
**Indiana State Board of Nursing**  
Indiana Professional Licensing Agency  
Indiana State Board of Nursing  
Indiana Government Center South Building  
402 West Washington Street, Room W066  
Indianapolis, IN 46204

Edition 4

Created by **PUBLISHING CONCEPTS, INC.**

Virginia Robertson, President  
vrobertson@pcipublishing.com  
14109 Taylor Loop Road • Little Rock, AR 72223  
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Frances L. Kelly  
Executive Director

### Office Location

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Indiana State Board of Nursing  
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### Contact Information

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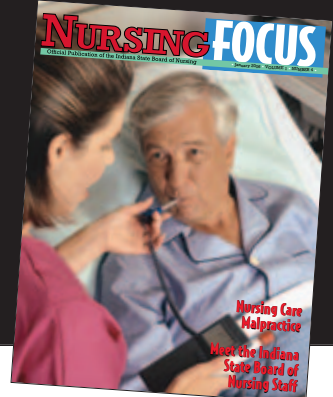
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# Message From the President



State law requires that a member of the Indiana State Board of Nursing (ISBN) be a Consumer Member who is appointed to represent the general public. I was appointed by Governor O'Bannon in May of 2000 to serve as the ISBN's Consumer Member and was subsequently reappointed to a four-year term in 2002.

The Consumer Member serves with the eight ISBN nurse members to support the ISBN staff and administrative commitment to:

- Protect the health and safety of the citizens of Indiana in its receipt of nursing services
- Examine, license, and renew licenses of qualified applicants
- Determine appropriate discipline when there is an allegation that an Indiana-licensed nurse has failed to comply with the requirements for licensure
- Accredited and monitor Indiana nursing education programs

In the last five years, I have had the privilege and pleasure to work with other ISBN members and the ISBN staff and administration in support of many initiatives including:

- Consistently evaluating the ability of the Indiana State Nurses Assistance Program to
  - minimize risks to citizens in being cared for by an impaired nurse
  - effectively support the sobriety of nurses
  - advocate safe nursing practice through sobriety
- Supporting the expansion of quality nursing educational opportunities to ensure access to nursing services
- Improving educational outreach to nurses and nursing students about the
  - importance of safe practice without chemical impairment
  - support available through the Indiana State Nurses Assistance Program
- Improving the opportunities for a license applicant

and licensed nurse to communicate with the ISBN on a range of topics from licensure to defending their nursing license when a complaint has been filed against them

ISBN members must consistently make decisions that require balancing various public interests. Foremost, the public deserves to receive nursing care from individuals who have completed a licensure educational and testing program that supports clinical competency. The public needs access to those nursing services even when the demand for nurses is greater than the supply. The public also deserves to be protected from the potential risks in receiving care from a nurse who has an allegation against her/his license or with a known chemical addiction or abuse.

While protecting the public, the ISBN must also provide licensure applicants and licensed nurses with the due process required by law. The ISBN also strives to interact with nurses in a fair and professional manner.


Balancing the interests of the public with those of a nurse requires thoughtful consideration and often difficult decisions. For example, the ISBN can decide that a licensed nurse must be suspended for a period of time because of an allegation of substance addiction or abuse. The nurse may not understand that the ISBN's decision to suspend her/his license protects the public and is also important to the nurse's recovery. The ISBN must protect the public by requiring the nurse to be assessed by the Indiana State Nurse's Assistance Program and determined safe to practice before she/he returns to practice.

These challenges have not made my experience as an ISBN member any less rewarding. I am proud to be a member of a group that is tremendously dedicated to its responsibilities and to those we serve.

If you have questions about the role of ISBN members, please contact Tonja Thompson, board director, at (317) 234-2043 or by email at [pla2@pla.in.gov](mailto:pla2@pla.in.gov).

Mervin R. Helmuth, R.N., M.N.  
*Board President*



A portrait of Carissa Shepherd, a woman with long brown hair, smiling. She is wearing a black and white striped collared shirt and a necklace. The portrait is framed by a light blue border.

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*Carissa Shepherd  
RN, Emergency Department  
Howard employee since 2002*

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## Message From the Board Director



**Greetings to all of the**  
*Nursing Focus* Magazine readers! I'd like to formally introduce myself. My name is Tonja Thompson. I have been with the Indiana Professional Licensing Agency since September 2001. I was the board director for the Health Facility Administrators Board, Physical Therapy Committee, Occupational

Therapy Committee, and the Hypnotists Committee. In May 2005, I was presented with the opportunity to take the director position for the Indiana Board of Nursing and the Indiana Dietitians Certification Board. I am very excited about the challenges and rewards that are ahead.

### **A "typical" day**

A "typical" day as the Indiana Nursing Board Director includes fielding telephone calls and emails from the general public, associations, other state officials, law enforcement, and our licensees about anything from starting a nursing program to the disciplinary process. Those inquiries prompt a host of various duties such as resolving disputes, issuing hearing notices and disciplinary orders, filing complaints, and the list goes on.

Then there are some intangibles, such as

keeping abreast of state and national legal policy and practice developments pertaining to healthcare in general and nursing in particular as it may affect the board's functioning and/or require action by the board, and assisting the board in policymaking and rule promulgation in cooperation with our agency's legal counsel and the board's advisory counsel.

But, I don't do it alone. I have a wonderful staff of case managers and a terrific assistant director, **Michelle Hines**.

Michelle was my assistant director before I became the nursing board director. She has been and is a wonderful asset to my team. She worked as a case manager with the nursing board for 3 years before she was promoted to an assistant director. Accordingly, she is a natural fit for the board as well as a phenomenal assistant to me. Without their support, I simply could not get the job done.

**Until next time.....**Have a wonderful holiday season!

Sincerely,

Tonja Thompson  
*Board Director*  
INDIANA STATE BOARD OF NURSING

*For more information regarding your professional association contact*

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*The members, from left to right are: Mervin Helmuth, Traci Little, Susan Dye, Carolyn Slagle, Laurie Peters, Darla Jones & Ann Parker. Members not pictured are Laurel Valentino & Janis Shook.*

### Board Meetings

The Indiana State Board of Nursing meets on the third Thursday of every month. The meetings begin at 8:30 a.m. and continues until business has been completed. The public is invited to attend. It is not necessary to notify the Board if you wish to attend.

**December 15, 2005**  
**January 19, 2006**  
**February 16, 2006**  
**March 16, 2006**  
**April 20, 2006**

**May 18, 2006**  
**June 15, 2006**  
**July 20, 2006**  
**August 17, 2006**  
**September 21, 2006**

**October 19, 2006**  
**November 16, 2006**  
**December 21, 2006**

The 2006 meetings will be held in the Auditorium of the Conference Center, Indiana Government Center South Building, 302 West Washington Street, Indianapolis, Indiana. If you have any questions about attending a meeting you may contact the Board at (317) 234-2043 or via e-mail at [hpb2@hpb.IN.gov](mailto:hpb2@hpb.IN.gov)

Meeting agendas will be available 6 days prior to the meeting at [www.hpb.IN.gov](http://www.hpb.IN.gov) Click on the "calendar & news" link.



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# NURSING CARE MALPRACTICE

## (Part I)

We all make mistakes just because we are human beings. However, the question is: When does a nursing mistake become malpractice?

### What is malpractice?

Malpractice is simply a word for negligence regarding a professional. Negligence is a civil wrong. Negligence can occur with an *omission*—a failure to do something you were supposed to do, or a *commission*—doing something that should not have been done.

### What constitutes malpractice?

There are four elements of malpractice. Each element must be proven to have a case.

The first element is **duty**. Duty is the standard of care which is what those acting under same or similar circumstances would do.

The second element is **breach**. There must be a breach of that duty. You must do something or fail to have done something that others would have

done acting under same or similar circumstances.

The third element is **cause**. The breach of the duty must cause harm to occur.

As previously stated, negligence is a civil wrong. You have a duty to stop at the stop sign. If you run the stop sign, hit another car and cause harm to the people in the car, this fills all the requirements of negligence. However, if you run a stop sign, but do not hit anything, then you breached your duty, but did not





cause harm, and therefore, that is not considered negligence.

In the nursing context, nurses have a duty to administer the proper medication. If the nurse gives Ampicillin instead of the ordered medicine, Aminophylline, the nurse breached the duty. However, if the patient does not have a reaction to the Ampicillin, there is no harm and thus, it is not negligent. It is simply a medication error. However, if the patient does have a reaction, all of the elements of malpractice have been met and the nurse was therefore negligent.

### What is The Indiana Medical Malpractice Act?

In 1975, Otis Bowen was the governor of the State of Indiana, and he was also a physician. Many physicians were leaving the state because of rising medical malpractice premiums. Therefore, the trial lawyers, insurance companies, and physicians sat down to come up with a legislative scheme to keep doctors in this state.

*The Indiana Medical Malpractice Act* is one of the most comprehensive and toughest acts of tort reform in this country, and its constitutionality has been repeatedly upheld by the Indiana Supreme Court.

In our state, if a health care provider commits malpractice, the most a plaintiff can get for his injuries is One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00). One can easily see if this is a brain damaged child who will spend the rest of his life in a nursing home, \$1,250,000.00 is not adequate to care for this child=s needs for the rest of his life.

The Act also provides that there shall be no personal liability on behalf of the physician or health care provider. Thus, if the jury awards Five Million Dollars (\$5,000,000.00), once the patient

receives the \$1,250,000.00, no additional money is available. Unlike in an automobile accident negligence case where a physician or health care provider runs a stop sign and hits a car and causes damage to the passengers, the damage in this case is unlimited for these

people=s injuries. If a jury awards Five Million Dollars (\$5,000,000.00), the injured person can garnish the physician= or health care provider's wages, take his house or do whatever is necessary above and beyond the insurance limit to receive full compensation for his injuries.

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Another requirement of the *Indiana Medical Malpractice Act* is that all cases must proceed through a medical review panel before a case can be filed in court.

### What Is a Medical Review Panel?

A medical review panel is composed of three health care providers who are selected by a neutral process. The health care providers review written submissions and receive instructions regarding the law by a panel chairman who is an attorney. The panel members shall determine if:

- 1) The health care provider met the standard of care;
- 2) If the health care provider failed to meet the standard of care;
- 3) There is some material issue of fact not requiring expert opinion and;
- 4) If the health care provider failed to meet the standard of care, whether or not it caused damage.

As a licensed nurse in this state, you may be asked to serve on a panel. You are required to serve unless you can show good cause why you should not serve. It is an honor to be asked to serve on a medical review panel because you are the one who will determine the standard of care in that case.

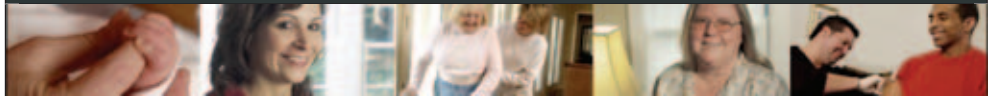
Stay tuned for Part II where the questions of who is responsible if I make a mistake and should I carry my own insurance policy.

### Reference

Indiana Code 34-18-1 et. Seq.

**Lorie A. Brown, RN, MN, JD**, of Brown Law Office, Indianapolis, Indiana (317) 465-1065 is a practicing nurse-attorney who represents nurses for licensing issues before the board and for contracting matters. The views expressed in this column are those of the author. [www.brownlaw1.com](http://www.brownlaw1.com).

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# Meet the Indiana State Board of Nursing Staff

## HERE ARE SOME FUN FACTS ABOUT THE NURSING BOARD STAFF (from top left to right)

### Ronald Saunders, III:

*Favorite sport/hobby:* I like to play just about any sport and go out with friends on the weekends.

*If I've learned one thing in life, it's:* that it has its ups and downs, but God is constant.

*I knew I was grown up when:* I left for college never to return home.

*People would be surprised to know:* I write poetry.

### Dawn Shaffer:

*Favorite Sport:* Nascar

*If I've learned one thing in life, it's:* That life is rough, and you don't always have a say in the matter. You just need to deal with the cards that you are dealt in life and make the best of it.

*I knew I was grown up when:* I started having to make my own decisions and live with the decisions that I have made.

*People would be surprised to know:* I have been with my husband for 19 years!!

### Stephanie Clark:

*Favorite movies:* Stephen King movies

*If I've learned one thing in life, it's:* Once you're a mother, "normal" is history!

*I knew I was grown up when:* I received my Indiana Driver's License at the age of 30.

*People would be surprised to know:* I'm a mother of six grown children with no grandchildren.



### Kelly Radcliff:

*Favorite book/movie/TV show/sport/hobby:* In living Color is my favorite TV show.

*If I've learned one thing in life, it's:* To keep God first.

*I knew I was grown up when:* I had to finally start working and now I can't quit.

*People would be surprised to know:* I am very sentimental.

### Peter Wallace:

*Favorite book:* Lolita by Vladimir Nabokov

*If there's one thing I've learned in life, it's:* Never tell anyone what your favorite book is.

*I knew I was grown up when:* I cared about getting a job with health benefits.

*People would be surprised to know:* I'm a champion gymnast. It's not true, but it would certainly surprise people if it were.

### Erika Engler:

*Favorite hobby:* I love listening to music and hanging out with friends.

*If there's one thing I've learned in life,*

*it's:* Life is very short. So, have no regrets in life.

*I knew that I was grown up when:* I fell in love.

*People would be surprised to know:* I'm older than I look.

### Michelle Hines:

*Favorite movie:* I'm a huge horror movie buff. So, Halloween is my favorite movie.

*If there's one thing I've learned in life, it's:* To savor every minute with your loved ones.

*I knew I was grown up when:* I lost my mother.

*People would be surprised to know:* I was a tiny tot finalist for Garfield Park in the 1980s.

### Lisa Chapman:

*Favorite movie/sport/athlete:* Mulan, Football, Edgerrin James

*If I've learned one thing in life, it's:* You can't please everybody.

*I knew I was grown up when:* I had my first child.

*People would be surprised to know:* I'm the BABY of my family out of 9 children!

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**Indefinite Probation**—License is placed on probation for a specified minimum period of time with terms and conditions.

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**Summary Suspension**—Immediate threat to the public

*Discipline for the previous quarter will be printed in each magazine addition in the future. Changes may occur before printing so the most accurate discipline information should be obtained on the license search feature of our website at [www.hpb.IN.gov](http://www.hpb.IN.gov)*

health and safety should the nurse be allowed to continue to practice. Issued for a period of ninety (90) days but can be renewed with Board approval.

**Letter of Reprimand**—Letter issued by the Board to the nurse indicating that what she/he did was wrong.

**Notice of Proposed Default**—Notice of last opportunity to appear before the Board for a hearing.

## September 15, 2005 Board Meeting

NAME	License Number	Board Action Taken
<b>Administrative Hearings</b>		
Tammy Leigh Wilson	27039584A	Indefinite Suspension
Stephanie White	27046611A	Letter of Reprimand & CEU's
Darlene Joy Waite	28084551A	Summary Suspension
Brenda Joy Dobben	28097189A	Indefinite Suspension
Jane Ann Parker	27051236A	Letter of Reprimand, CEU's & \$250.00 Fine
Barbara Anne Kelly	27043618A	Indefinite Suspension & \$250.00 Fine
Monica Ann Biggs	27050549A	Indefinite Suspension & \$250.00 Fine
Lea Ann Short	27048771A	Summary Suspension
Ghia Finch	28135931A	Summary Suspension
Diane McKee	28098761A	Indefinite Suspension & \$500.00 Fine
Brandi Browning	28153418A	Indefinite Suspension & \$250.00 Fine
Diane Fraker	27033873A	Summary Suspension
Zandra Childs	28153390A	Letter of Reprimand & CEU's
Peggy Ann Bisig	28077608A	Summary Suspension
Sylvia Ann Guntel	28125900A	Letter of Reprimand, CEU's & \$250.00 Fine
Sandra Kay Nobles	28101466A	Indefinite Probation, CEU's & \$500.00 Fine
Mary Jo Spaulding	28092009A	Extension of Summary Suspension
Rita Anne Nunn	27028051A & 28117507A	Censure
Cheri Ann Whitaker	27041200A	Summary Suspension
Pamela Sue White	27031796A	Summary Suspension
David Castillo	27044421A	Extension of Summary Suspension
Darren Joseph Goetz	28142740A	Summary Suspension
Wayne Poland	28131303A	Summary Suspension
Darlene Loya	27043746A	Summary Suspension
Melanie Wiseman	28144783A	Summary Suspension
Jennifer Boggs	27033718A	Summary Suspension
Shawn Dickerson	28131563A	Summary Suspension
Lisa Jones	28133685A	Summary Suspension
Marion Lee Willis	27040612A	Summary Suspension
Lee Ann Hughes	27042858A	Indefinite Suspension & \$250.00 Fine
Robin Kay Henry	27025696A	Indefinite Suspension & \$250.00 Fine
Susan Henley	27040613A	Letter of Reprimand
Tina Mankin	27050819A	Indefinite Suspension
Consandra Royster	27046592A	Indefinite Suspension & \$250.00 Fine
Susan Lynn Case	28096073A	Indefinite Suspension
Calvin Earl Brown	28088019A	Indefinite Suspension & \$250.00 Fine
Suzanne Lincoln	27039741A	Indefinite Suspension & CEU's

## October 20, 2005 Board Meeting

NAME	License Number	Board Action Taken
<b>Administrative Hearings</b>		
Kelly Nowling	27051981A	Indefinite Probation & \$250.00 Fine
Geneva Larkin	27020643A	Letter of Reprimand & CEU's
Gilbert Lee Crawford	28124448A	Indefinite Suspension & \$250.00 Fine
Stacey Sue Long	28144896A	Extension of Summary Suspension
Kimberly Patterson a/k/a Kimberly Minne	28129317A	Indefinite Probation and Letter of Reprimand
Laura Zollman a/k/a Laura Easter	27051734A	Letter of Reprimand, CEU's & \$250.00 Fine
Sharon Stowers	28108674A	Indefinite Suspension & CEU's

*continued on next page*



**October 20, 2005 Board Meeting** *continued*

<b>NAME</b>	<b>License Number</b>	<b>Board Action Taken</b>
Kathleen Read	27015435A	Indefinite Suspension & CEU's
Paula Manuilow	28081769A	Letter of Reprimand, CEU's & \$250.00 Fine
Ruth Harrison	28146144A	Letter of Reprimand
Pamela White	27031796A	Indefinite Suspension
Marian Quinton	28111971A	Summary Suspension
Deborah Lahti	27044398A	Summary Suspension
Sonya Clayton	27042578A	Extension of Summary Suspension
Rhonda Monday	28132353A	Extension of Summary Suspension
Jana Cauthen	27051679A	Indefinite Probation
Kathleen Johnsonbaugh	28070612A	Indefinite Probation
Pamela Boylls	27018694A	Indefinite Probation
Lisa Kay Kearns	27034000A	Summary Suspension
Rodney Cupp	27038966A	Letter of Reprimand
Lori Leanne Hill	27046902A	Summary Suspension
Tina Irish	27044206A	Summary Suspension
Tammy McClish	27046987A	Summary Suspension
Melissa Hunter	27045933A	Indefinite Suspension
Peggy Bisig	28077608A	Indefinite Suspension
Shay Grimes	27044393A	Indefinite Suspension
Ghia Finch	28135931A	Indefinite Suspension & CEU's
Jeanette Kay Balun	28156127A	Indefinite Suspension
Penny Niles	27015533A	Indefinite Suspension & \$250.00 Fine
Lea Ann Short	27048771A	Indefinite Suspension & \$250.00 Fine
Darlene Waite	28084551A	Revoked
Mary Jo Spaulding	28092009A	Indefinite Suspension & \$500.00 Fine
Deborah Kay Snyder	28097414A	Letter of Reprimand & \$250.00 Fine

**November 17, 2005 Board Meeting**

<b>NAME</b>	<b>License Number</b>	<b>Board Action Taken</b>
<b><i>Administrative Hearings</i></b>		
Brian Patrick Tunin	28137578A	Summary Suspension
Lisa Jones	28133685A	Extension of Summary Suspension
Marica Champion	27043692A	Summary Suspension
Tracy Lynn Livvix	27041249A	Extension of Summary Suspension
Lashondra McIntosh	27051908A	Summary Suspension
Connie Faye Miller	28160077A	Extension of Summary Suspension
Stacey Sue Long	28144896A	Indefinite Suspension & \$250.00 Fine
Cindy Mason	27050844A	Indefinite Suspension & \$250.00 Fine
Sonya Clayton	27042578A	Indefinite Suspension & \$250.00 Fine
Kristina Stamper	27041353A	Extension of Summary Suspension
Shawn Julien	28153838A	Indefinite Suspension
Betsy Eibling	28099583A	Reinstated on Indefinite Probation
Darlene Loya	27043746A	Indefinite Suspension & \$250.00 Fine
Linda Ann Neely	27029060A	Indefinite Probation
Robert Wrentmore	28143722A	\$250.00 Fine
David Castillo	27044421A	Summary Suspension
Almia Jo Heald	28135137A	Summary Suspension
Phyllis Cleaver	28031620A	Letter of Reprimand & \$300.00 Fine
Stephanie English	27041166A	\$250.00 Fine & CEU's
Amanda Key	28158972A	Indefinite Suspension
Cheri Ann Whitaker	27041200A	Extension of Summary Suspension
Charlene Knasel	27038018A	Revoked
Kimberly Burton	27040823A	Extension of Summary Suspension
Diane Fraker	27033873A	Extension of Summary Suspension
Sabrina Ramirez	28123031A	Extension of Summary Suspension



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